

EXHIBIT 54

**STATE OF MICHIGAN
IN THE WAYNE CIRCUIT COURT**

PEOPLE OF THE STATE OF MICHIGAN,

Plaintiff,

v

JOHN MACAULEY BURKMAN

and

JACOB ALEXANDER WOHL,

Defendants.

HON. MARGARET M. VAN HOUTEN

Circuit Court Nos. 20-004636-01-FH

20-004637-01-FH

**DEFENDANTS' BRIEF IN
SUPPORT OF MOTION TO QUASH**

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INTRODUCTION

A couple months before the November 2020 election, Burkman and Wohl, two conservative provocateurs, disseminated a robocall in the 313-area code. Their aim—taking the evidence from the preliminary examination in the light most favorable to the prosecution—was to dissuade Blacks in the Detroit area from voting by mail. “Reprehensible,” the district court judge called it. This Court might agree.

Whether it was criminal, though, is a much different question. The Attorney General has charged Burkman and Wohl under MCL 168.932(a), which criminalizes deterring voters through “bribery, menace, or other corrupt means or device.” Square peg, meet round hole. The prosecution of Burkman and Wohl is a political stunt, in line with other political stunts the Attorney General’s office has recently staged. This Court should end it.

STATEMENT OF FACTS

Burkman and Wohl are charged with four felonies, the latter three being derivative of the first charge of bribing or menacing an elector under MCL 168.932(a), which provides as follows:

A person shall not attempt, by means of bribery, menace, or other corrupt means or device, either directly or indirectly, to influence an elector in giving his or her vote, or to deter the elector from, or interrupt the elector in giving his or her vote at any election held in this state.

The charges emanate from a “robocall” that Burkman and Wohl disseminated in the 313-area code. The call states as follows:

Hi, this is Tamika Taylor from Project 1599, a civil rights organization founded by Jack Burkman and Jacob Wohl. Mail-in voting sounds great, but did you know that if you vote by mail your personal information will be part of a public

Second, the prosecution has not shown any actual harm achieved by the robocall. The only “victim” here indicated that he believed the statements in the robocall were false, and he alerted the media, which subsequently derided the robocall as false. The prosecution has presented no one who was actually deterred from voting.⁸ To be sure, it appears that Detroit voters are savvier than the prosecution gives them credit for. To suggest that they would take the claims in a robocall at face value without scrutinizing them is insulting and infantilizing.

RELIEF REQUESTED

The defense asks the Court to quash all charges in this case.

Respectfully submitted,

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⁸ They did, however, fly two investigators to California at the taxpayers’ expense to confirm that Burkman and Wohl sent the robocall, a point the defense stipulated to since it was so obvious. (PE Tr, 77, 80-81, 103).